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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,423	08/24/1999	JEFFRY JOVAN PHILYAW	RPXC - 24,739	5217

25883 7590 10/21/2009

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EXAMINER	
BROWN, RUEBEN M	

ART UNIT	PAPER NUMBER
2424	

NOTIFICATION DATE	DELIVERY MODE
10/21/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@dalpat.com

Office Action Summary	Application No.	Applicant(s)	
	09/382,423	PHILYAW ET AL.	
	Examiner	Art Unit	
	REUBEN M. BROWN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/19/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5 and 7-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5 and 7-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Enclosed is a re-mailing of the Office Action, mailed 6/15/2009, which did not include a copy of the cited, ATVEF specification (Draft version, 1.1r26 2/2/1999). The present non-Final Rejection resets the time period for response.

On page 8, of the remarks filed 3/19/2009 applicant argues, "Feinleib does not provide a broadcast that contains embedded therein unique information that is different and apart from advertising information and non-advertising content…". Examiner respectfully disagrees. Para [0068, 0071] teach that the streaming and enhancement content may be transmitted as a composite stream, or the enhancing content is inserted within the video stream as VBI in traditional broadcasting. Furthermore, the enhancement content is comprised of announcement, triggers and data files, see Para [0037-0043]. Therefore, applicant's assertion on page 7, second paragraph that Feinleib operates by transmitting the enhancement content in a separate stream from the streaming content is not correct. Fig. 3 illustrates that in at least one embodiment the same source transmits the streaming and enhancement content, wherein the enhancing content includes announcement data. Feinleib clearly teaches that the enhancement content and the streaming content may be transmitted together.

The synchronizing mentioned in Feinleib refers to the fact that some of the data files may be pre-stored on the client device, and at the appropriate time would be retrieved, and displayed, i.e., synchronized with the current video program. The synchronizing feature in Feinleib does not require that the announcement data is transmitted separately from the streaming content. Even though Feinleib discloses that some announcement data may be stored in the client and retrieved when the user tunes the TV to a channel associated with the instant announcement, there is nothing in the reference that precludes corresponding announcement data being sent along with the current TV program that is being broadcast. A further inspection of Fig. 4, reveals that Step 108, which determines whether the show is interactive, is not necessarily activated by the user changing the channel. For instance, Step 108 is fed by Step 106 that correlates the announcements in the TSS database 82 with the streaming content ID.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib, (U.S. PG-PUB 2005/0166257), in view of the ATVEF specification (Draft version, 1.1r26 2/2/1999).

Considering amended claim 1, the claimed method for delivering advertising to a consumer over a broadcast media/global communication network, comprising the steps of *'generating an advertisement broadcast comprised of a general program having non-advertisement content and associated advertising content dispersed there through for broadcast over a broadcast media which is directed to a general class of consumers'*, reads on Feinleib which teaches that a broadcast program that includes enhanced content such as advertisement(s), interactive games, supplemental information, etc. (Para [0032]) may be streamed to a plurality of consumers over broadcast media such as CATV, satellite, fiber and/or RF networks, Para [0008, 0029& 0061].

The claimed feature of *'embedding in the broadcast unique information for inducing a consumer to view the broadcast for later access to a desired advertiser's location on the global network over a PC based system'* reads on enhancing content transmitted in the broadcast program. Feinleib teaches that the enhancing content may be provided in the VBI of a regular TV broadcast, which meets the claimed, *'embedding in the broadcast unique information'*, since the enhancing content reads on the claimed 'unique information', see Para [0008, 0022-0023 , 0031 & 0068]. Feinleib goes on to teach that announcements are one of the components of the enhancing content, which are transmitted to the consumer for the purpose of informing the client

that a broadcast is interactive and announcing that the transmission of upcoming enhancing content, see Para 0002, 0012, 0044], which meets the claimed feature of, *'inducing the consumer to view the broadcast for later access to a desired advertiser's location on the global network system over a PC-based system'*. In particular, Feinleib announces to the client that upcoming enhancing content will be provided within the instant broadcast program, wherein the upcoming enhancing content may comprise advertisement and/or specific Internet web sites that the consumer may access, see Para [0032-0034, 0079].

As for the specifics of, *'a desired advertiser's location on the global network system'*. Again, in Para [0032] Feinleib teaches that the upcoming enhancing content may be an advertisement, whereas in the next paragraph, Para [0033], it is explained that in this embodiment the enhancing content is implemented as an HTML hyperlink/web page. Therefore, Feinleib discloses inducing a consumer (by using an announcement), to view a later portion of the broadcast that will then present an enhancing content, such as a specific advertisement embodied as a hyperlink or web page. Since the advertisement is in HTML format, the consumer may access the advertiser's location on the Internet, which meets the claimed subject matter.

It is noted that the Feinleib teaches that when a user tunes to a new channel, if that channel is interactive (as would be determined by whether an announcement indicating that it is interactive has been received, see Para [0072]), then a special icon as shown (step 112, Fig. 4) is displayed to the consumer. The claimed, *'unique information...comprising at least a 'first portion'...for inducing a consumer to view the broadcast for later access...'*, is at least met by the

special icon that is displayed and informs the consumer that the broadcast is interactive and that there will be upcoming enhancing content.

The additionally claimed feature of, *'broadcasting to the potential class of consumers, the advertisement broadcast with the embedded unique information therein, such that the embedded unique information is presented to the consumer in the same manner as the advertisement broadcast'*, is met by the discussion that the enhancing content may include trivia questions, advertisements, video images, etc., displayed along with the regular content, see Para [0032, 0087].

Regarding the amended claimed feature of, *'dispersing the unique information throughout the advertisement broadcast at different times during the program, such that the viewer is induced by at least a first portion of the received unique information to access the desired advertiser's location after a predetermined time in the broadcast and wherein the location of at least a second portion the unique information in the program broadcast is associated with the content of the program broadcast proximate in time thereto'*, emphasis added, Feinleib discloses that enhancing content is comprised of at least three elements; announcements, triggers and data files.

In particular, the announcements reads on the claimed *'first portion'* that is used *'to induce the consumer to access the desired advertiser's location after a predetermined time in the broadcast'*, since the announcement provides details about the upcoming enhancing content,

such as identification of the sender, URL information of the triggers, the time when the triggers and data files are to be sent, the title, type of content, subject matter description, etc., see Para [0044], emphasis added. Therefore, the announcement provides a range of information to the consumer, in order to entice the instant consumer to view a latter portion of the broadcast so that a particular enhancing content, e.g., a particular web site or URL may be accessed. However, in at least one embodiment, Feinleib appears to describe transmitting the announcement information prior to the current program/broadcast, since as shown in Fig. 4, the receiver determines if a show is interactive after a channel has been tuned by listening for triggers from announcements, already stored at the receiver.

Nevertheless the ATVEF specification, which is in the same field of trigger technology, provides at least one embodiment in which the trigger is received during the corresponding broadcast program, e.g., in the VBI of the corresponding program, see page 8, page 9, pages 11-13. The ATVEF specification teaches that triggers may be transmitted/received during the broadcast, as in the Transport B type. Specifically, page 13, section 3.1.1, teaches that "announcements are used to announce currently available programming". It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Feinleib by transmitting announcements along with a broadcast, which corresponds with the instant program being broadcast, according to the ATVEF specification, at least in order to avoid any possibility of the announcement not being matched with the appropriate program.

In particular, page 11 of the ATVEF specification states that, "Transport type B is for **true broadcast of both the resource data and triggers**…uses announcements to offer one or more enhancements of a TV channel…announcement specifies the location of both the resource stream (the files that provide content) and the trigger stream for an enhancement…announcements must be able to provide…language, start & stop times, optional UUID that identifies the content…", emphasis added. The true broadcast disclosed in the ATVEF specification, which means that announcements are transmitted along with its corresponding program, reads on the claimed feature that the trigger can be delivered…during the program. Also see pages 28-29 of the ATVEF specification; Appendix E: ATVEF Example Broadcast. This example shows that an announcement arrives to the receiver in the SDP/SAP format, along with a particular broadcast program. Later, during the same show, at least one trigger arrives, which causes the word "MURDER" to appear. The user's interaction with the icon may causes an event to happen, namely the TV screen is returned to a full screen display.

Thus, the combination of the triggers and data files from Feinleib & ATVEF specification reads on the claimed, *'second portion of the unique information', …'that is delivered to the consumer at the another time during the program for allowing the user to access the desired advertiser location through the PC-based system'*, since the data files are the interactive content files (such as advertiser's web page) and the triggers cause the interactive content to be displayed at the appropriate predetermined time, see Para [0023, 0032-0033, 0037-0043, 0047, 0080 & 0087] and page 13 thru page 14 of the ATVEF specification which discloses another embodiment of the time attribute trigger that also may be transmitted to the subscriber.

'accessing the desired advertiser's location proximate to the another desired time in the program', reads on the consumer selecting at least one of the Internet hyperlinks displayed on the see, See Para 0032-0033, 0079.

Finally, as for the claimed feature of, *'embedding in the broadcast unique information for inducing the consumer to view the broadcast for later access to a desired advertiser's location...'*, already discussed above, the ATVEF specification teaches on page 30 that a message may be displayed for viewer which reads, "Watch below for more information about the current scene!". Therefore, this disclosure and its further explanation on pages 31-33 teach that the viewer may be induced to continue watch the TV broadcast so that they can access more information, in an interactive system. This information may be accessed by providing URL link(s) to the viewer, such that by selecting a link, the viewer is provided with information/content related to a particular scene.

Considering claim 2, the claimed method step of activating a network or server at the advertiser's location to wait for a response in the form of a network connection to the advertiser's location by a potential consumer, and upon a response from one of the consumers providing information additional to that contained within the advertisement broadcast, reads on the operation of Feinleib, wherein a user may select an advertisement that contains a web page or hyperlink, which by definition connects the consumer to the server that hosts the web page. Additional web pages are transmitted to the consumer, in response to requests for the instant web

pages, by the well-known process of selection of HTML hyperlinked icons, buttons, interactive images, etc.

Considering claim 10, the ATVEF specification (pages 11 & 13-15) teaches that announcement data may be in the form of a video stream or graphics, which meet the subject matter.

4. Claims 4-5, 7 & 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib & ATVEF specification (Draft version, 1.1r26 2/2/1999), further in view of Houston, (U.S. Pat # 6,353,929).

Considering claims 4-5 & 7, Feinleib does not explicitly discuss embedding information in the unique information/advertisement that can be decoded by the PC and transferred back to the advertiser's location upon access thereof by the consumer. Nevertheless, Houston teaches at least embedding an identification code, tag or number, for the purpose of tracking the exposure of consumers to particular content; see Abstract; col. 8, lines 34-54 & col. 9, lines 32-60. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Feinleib with the feature of embedding ID information in an advertisement, at least for the desirable benefit of tracking statistics data regarding the instant advertisement, as taught by Houston, col. 1, lines 15-41 & col. 2, lines 41-67.

Considering claim 11, Feinleib does not explicitly discuss embedding information in the unique information/advertisement that can be decoded by the PC and transferred back to the advertiser's location upon access thereof by the consumer. Nevertheless, Houston teaches at least embedding an identification code, tag or number, for the purpose of tracking the exposure of consumers to particular content; see Abstract; col. 8, lines 34-54 & col. 9, lines 32-60. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Feinleib with the feature of embedding ID information in an advertisement, at least for the desirable benefit of tracking statistics data regarding the instant advertisement, as taught by Houston, col. 1, lines 15-41 & col. 2, lines 41-67.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib & ATVEF Specification (Draft version, 1.1r26 2/2/1999), and further in view of Chernock, (U.S. Pat # 6,813,776).

Considering claim 8, Feinleib teaches that the enhancing content may be presented in numerous forms, including sound, including graphics, video pictures and a hyperlinked, Para [0032]. However, the reference does not explicitly discuss that they may be in a form, of a unique sound recognizable by the consumer. Nevertheless, Chernock is in the same field of endeavor and is directed to providing multimedia reminders that are associated with specifically scheduled content. These reminders may take the form of an audio reminder and/or a schedule

icon, such as an on-screen countdown, see col. 5, lines 5-12 & col. 6, lines 26-38. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Feinleib with the feature of an explicit graphic/video or audio reminder of an upcoming event, at least for the advantage of insuring that the consumer is made aware of the instant upcoming event, as taught by Chernock.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib, ATVEF specification (Draft version, 1.1r26 2/2/1999) & Chernock as applied to claim 8 above, and further in view of Houston.

Considering claim 9, Feinleib does not explicitly discuss embedding information in the unique information/advertisement that can be decoded by the PC and transferred back to the advertiser's location upon access thereof by the consumer. Nevertheless, Houston teaches at least embedding an identification code, tag or number, for the purpose of tracking the exposure of consumers to particular content; see Abstract; col. 8, lines 34-54 & col. 9, lines 32-60. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Feinleib & Chernock with the feature of embedding ID information in an advertisement, at least for the desirable benefit of tracking statistics data regarding the instant advertisement, as taught by Houston, col. 1, lines 15-41 & col. 2, lines 41-67.

Any response to this action should be mailed to:

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Alexandria, VA 22313-1450
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or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2424